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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 MARTIN CORONA,

9 Plaintiff,

10 v.

11 NORTH PACIFIC FISHING, INC., et al.,

12 Defendants.

13
14 CASE NO. C05-1002JLR

15 ORDER

16 This matter comes before the court on Plaintiff's Motion for Leave to File an
17 Amended Complaint (Dkt. # 13). For the reasons stated below, the court GRANTS the
18 motion in part and DENIES it in part.

19 Fed. R. Civ. P. 15(a) provides, in part: "A party may amend the party's pleading
20 . . . and leave shall be freely given when justice so requires." However, "futile
21 amendments should not be permitted." Klamath-Lake Pharmaceutical Ass'n v. Klamath
22 Medical Serv. Bureau, 701 F.2d 1276, 1293 (9th Cir. 1983), cert. denied, 464 U.S. 822
(1983).

23 Plaintiff seeks to add three claims in his Amended Complaint. The first deals with
24 alleged injuries from 1992 and 1994; the second deals with allegations of false
25 imprisonment related to Plaintiff's February 2004 accident; and the third relates to
26 emotional distress related to the February 2004 incident.

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28 ORDER – 1

1 Applying the low threshold applicable to motions to amend, the court will allow
2 the causes of action related to false imprisonment and emotional distress to be added as
3 part of the Amended Complaint. The court determines, however, that the 1992 and 1994
4 claims are barred by the applicable statute of limitations and, therefore, allowing them to
5 be pled would be futile and will not be allowed.
6

7 Plaintiff shall file an Amended Complaint consistent with the court's ruling within
8 10 days of the date of this order.

9 Dated this 6th day of December, 2005.

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12 JAMES L. ROBART
13 United States District Judge
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